

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 11 PROCEEDING
)
JAMES SAMATAS,) CASE NO. 20-BK-17355
)
DEBTOR.) HON. A. BENJAMIN GOLDGAR

DECLARATION OF ERIC GOLDBERG IN SUPPORT OF MOTION OF SECURED CREDITOR CARLYE GOLDBERG SAMATAS TO CONVERT CASE TO CHAPTER 7

I, Eric Goldberg, declare as follows:

1. I am a partner with the law firm of DLA Piper LLP (US), and am counsel of record for secured creditor Carlye Goldberg Samatas (“**Carlye**”) in this bankruptcy case. I am a member in good standing of the State Bar of California, and am admitted to practice *pro hac vice* in this case. I submit this declaration in support of the Motion Of Secured Creditor Carlye Goldberg Samatas To Convert Case To Chapter 7 (“**Motion**”), which is filed contemporaneously herewith. I have personal knowledge of the matters set forth herein and if called upon to do so, would testify competently with respect to these matters.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Schedules of Assets & Liabilities (“**Schedules**”) filed in this case by the debtor James Samatas (“**Debtor**”) at Docket Nos. 1, 21 and 22 on September 21, 2020 and November 2, 2020.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Statement of Financial Affairs (“**SoFA**”) filed in this case by the Debtor at Docket filed in this case by the Debtor at Docket No. 20 on November 2, 2020.

4. Attached hereto as **Exhibit C** is a true and correct copy of the unofficial transcript of the Debtor’s First Section 341(a) Meeting of Creditors, which took place telephonically on October 22, 2020 (“**First 341a**”). This transcript was prepared by my firm’s transcription department using an electronic copy of the official audio file record from the meeting, which

copy was obtained from the Office of the United States Trustee (“**US Trustee**”). To ensure the accuracy of the transcription, I personally listed to the audio recording three times to compare it to the typed transcription, and made all necessary corrections. The transcript is accurate.

5. Attached hereto as **Exhibit D** is a true and correct copy of the unofficial transcript of the Debtor’s Second Section 341(a) Meeting of Creditors, which took place telephonically on November 19, 2020 (“**Second 341a**”). This transcript was prepared by my office’s transcription department using an electronic copy of the official audio file record from the meeting, which copy was obtained from the US Trustee. To ensure the accuracy of the transcription, I personally listed to the audio recording three times to compare it to the written transcription, and made all necessary corrections. The transcript is accurate.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Debtor’s Financial Disclosure Document (“**FDD**”) dated March 12, 2018, which was prepared in connection with the divorce proceedings between the Debtor and Carlye, and signed by the Debtor under penalty of perjury.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Judgement – Dissolution filed in the divorce proceedings on July 2, 2018 (“**Divorce Judgment**”). Section 2 of the Attachment to Judgment section of the document, beginning at consecutive page 11, describes the Debtor’s Obligation to pay spousal support to Carlye at the rate of \$20,000 per month.

8. As of December 15, 2020, the Debtor was indebted to Carlye in the total amount of approximately \$1.9 million, as summarized below. These amounts were calculated by reviewing the Divorce Judgment, documentary evidence from Carlye’s collection counsel, and invoices obtained from Carlye.

• Spousal Support (secured by trust deed on 1424 Tanager)	
o Principal	\$1,380,000.00
o Late Fees	33,000.00
o collection fees & costs	<u>16,849.56</u>
subtotal	\$1,409,849.56
• Tax Reimbursements	243,213.54
• Health Insurance	19,293.90
• Tax Services	43,340.80
• Legal Fees (DLA Piper)	<u>160,000.00</u>
	Total \$1,878,697.80

I declare under penalty of perjury that the forgoing is true and correct. Executed on December 29, 2020 at Los Angeles, California.

/s/ Eric D. Goldberg
Eric D. Goldberg

EXHIBIT A

(Schedules of Assets and Liabilities)

EXHIBIT B

(Statement of Financial Affairs)

EXHIBIT C

(First 341a Transcript)

EXHIBIT D

(Second 341a Transcript)

EXHIBIT E

(Financial Disclosure Document)

EXHIBIT F

(Divorce Judgment)